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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,331	09/11/2003	Dennis Schultz	HISHE:65460	5970

24201 7590 03/09/2006

FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,331	Applicant(s) SCHULTZ, DENNIS	
	Examiner Flemming Saether	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow (US 3,72,904) in view of Colvin (US 4,930,378). In the embodiment of Fig. 4, Barlow discloses a fastener having a socket drive (27) comprising a plurality of equally spaced, inwardly directed, rounded lobes (31-33) of equal radius and equidistant from the axis of the fastener and a corresponding plurality of surfaces (28-30) shown as flat each located opposite a lobe and also equidistant from the center. Since the claims are directed to a fastener, the clearance between the lobes and the key driver is considered an intended use of which the Barlow would be capable depending upon the size of the fastener. There are further defined "recesses" at a location where the flat surfaces transition to the rounded lobes but, the recesses are not disclosed as being curved. Colvin discloses a similar socket and teaches the equivalence between a transition which is not curved and smooth (see Figs, 15 or 16) and a transition which is curved (see Fig. 4). Therefore, at the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the not curved transition in Barlow with a curved and smooth transition as disclosed in Colvin since Colvin teaches their equivalence.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 960,244) in view of Anderson (US 5,960,681) and further in view of Colvin (US 4,930,378). Allen discloses a conventional type fastener having a hexagonal recess for receiving an allen wrench but, does not disclose the recess provided with rounded lobes. Anderson discloses a fastener driver also having a hexagonal recess but, in Anderson the recess is provided with a plurality of equally spaced, inwardly directed, rounded lobes (34) of equal radius and equidistant from the axis of the fastener and a corresponding plurality of flat surfaces (28-32) each located opposite a lobe and also equidistant from the center for gripping the fastener with a recess formed between each lobe and flat surface. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the recess of Allen with lobes as disclosed in Anderson for the purpose of gripping the driver. The fastener being gripped to the driver would facilitate insertion and removal of the fastener by preventing the fastener and driver from being easily separated. Again, since the claims are directed to a fastener, the clearance between the lobes and the key driver is considered an intended use of which the Barlow would be capable depending upon the size of the fastener. Modified Allen discloses recesses between the rounded lobes and flat surfaces but, does not disclose the recesses to be curved. Colvin discloses a similar socket and teaches the equivalence between a transition which is not curved and smooth (see Figs, 15 or 16) and a transition which is curved (see Fig. 4). Therefore, at the time the invention was made, it would have been obvious for one of ordinary skill in

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the art to replace the not curved transition in modified Allen with a curved and smooth transition as disclosed in Colvin since Colvin teaches their equivalence.

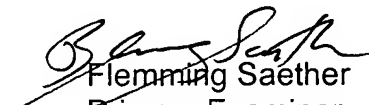
Response to Remarks

Applicant's arguments have been considered but, are now moot in view of the new grounds of rejection wherein Colvin is applied to teach the equivalence of curved recesses.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Flemming Saether
Primary Examiner
Art Unit 3677